THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.12223 of 1996

Date:02.03.2006

Between:

D.Chinna Babaiah and others

-------PETITIONER

AND

The District Collector and others.

---------RESPONDENTS

ORDER:

The petitioners claim that they have been assigned various extents of land in the year 1974 in Sy.Nos.892/84 to 897/84, 899/84, 900/84, and 902/84 to 908/84 of Savisettipally village, B.Kodur mandal, Kadapa District. They challenge the proceedings, dated 31.01.1996, issued by the Mandal Revenue Officer, the third respondent herein, on the ground that the land was not brought into cultivation.

The grievance of the petitioners is that they were not put on notice before the assignments in their favour were cancelled. They plead that the third respondent passed the impugned order cancelling the assignments of as many as 128 assignees over an extent of Acs.546.00 and not a single assignee was put on notice. It is also alleged that it is just impossible that none of the 128 assignees are not in possession of any land out of Acs.546.00.

Though ten years have elapsed since filing of the writ petition, no counter affidavit was filed on behalf of the respondents and on a direction issued by this Court, the

District Collector, Kadapa, appeared before this Court and apprised of the matter. It is stated that the pattas of the petitioners and several other assignees were cancelled on finding that they are not the residents of the village and that the respective pieces of land assigned to them was not brought under cultivation, even after decades.

A perusal of the order, dated 31.01.1996, passed by the third respondent discloses that the only method he has adopted in serving the show cause notice is to display copy thereof on the concerned land. It is not known as to how he was able to identify the individual portions out of Acs.546.00. This Court does not approve of the method adopted by the third respondent undertaking such a large-scale and wholesale cancellation of the assignments in favour of 128 persons. This writ petition is confined to the claims of fourteen individuals, figured as petitioners therein.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing that:

a. the impugned order, dated 31.01.1996, is set aside; to the extent of petitioners,

b. the petitioners herein shall appear before the Mandal Revenue Officer, SAKN mandal, which is said to have been formed in the year 1999, on 16.03.2006. Without awaiting any intimation or notice on their appearance, the Mandal Revenue Officer, SAKN Mandal shall serve the show cause notices, pointing out the violations or contraventions, if any, on the part of the petitioners, and the petitioners, in turn, shall be entitled to submit their explanations on or before 23.03.2006.

c. the Mandal Revenue Officer, in turn, shall pass appropriate orders before 31.03.2006, taking into account the explanations that may be submitted by the petitioners.

d. the nature of rights to be enjoyed by the petitioners shall depend upon the outcome of the orders that may be passed by the Mandal Revenue Officer, SAKN mandal.

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03.03.2006

Note: Issue C.C. in three days

(B/o)

kdl